

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 650, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "NO. 3 WHITE OATS."

During the month of January, 1910, the Pendleton Grain Company, Incorporated, St. Louis, Mo., shipped from the State of Missouri to the State of Louisiana 2,700 sacks of a food product invoiced and sold as "No. 3 White Oats." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the abovementioned oats, charging the above shipments and alleging that the product so shipped was adulterated, in that with the said oats there had been mixed and packed a quantity of wheat, barley, and other seeds, and a quantity of stems, hulls, chaff, and inert matter, so as to reduce, lower, and injuriously affect the quality and strength of said oats, and further that the said wheat, barley, and other seeds, and the said stems, hulls, chaff, and inert matter, were substituted in part for the said oats, and alleging that the product was misbranded, in that it was offered for sale under the name of "No. 3 White Oats," being the distinctive name of an article other than that actually shipped and delivered as aforesaid, and that the said oats were at the time of their interstate shipment and their delivery in Louisiana invoiced as "No. 3 White Oats," being the distinctive name of an article other than that shipped and invoiced, whereas in truth and in fact, as hereinbefore alleged, the said article of food offered for sale, invoiced and delivered as "No. 3 White Oats," was not "No. 3 White Oats" but was a mixture of white oats with wheat, barley, and other seeds, and with stems, hulls, chaff, and inert matter, and was not entitled to the name and grade of "No. 3 White Oats." Thereupon said Pendleton Grain

Company, Incorporated, the consignor of the product, and John T. Gibbons, one of the consignees, entered their appearance, and set up a claim to the ownership of the product.

May 5, 1910, the cause came on for hearing, and the said Pendleton Grain Company, Incorporated, and John T. Gibbons, having admitted the allegations and charges contained in the above libel, consented to a decree of condemnation of the product involved. The court being fully informed in the premises issued its decree condemning and forfeiting the product to the United States, with the proviso, however, that upon the payment of all costs of this libel, and upon the execution and delivery of good and sufficient bonds, one in the sum of \$500 by said John T. Gibbons, and one in the sum of \$850 by the said Pendleton Grain Company, Incorporated, conditioned that said claimants should label said goods in accordance with the judgment of the court, to wit, as a "mixture of oats, wheat, barley, weed seeds, stems, hulls, chaff, and inert matter," and further conditioned that said claimants should not sell or otherwise dispose of said goods in violation of law, that then the said claimants should have the right to the possession of said goods then in the possession of the marshal of said district, said bonds to be executed and delivered, and costs to be paid, together with all expenses and charges, within twenty days from the date of said decree.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 21, 1910.*